Single Bench

P.R. No. 4216/06
Presented by Shri Pakash Pandey
dated 25/8/06

25.2.06 16/100/ Retiree
31.4.05 (1) (4)
21.7 to 31.4.05

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION (S.) NO. 4679 OF 2006

PETITIONER

Albert Wilfred S/o Wilfred Adam, aged about 68 years R/o Village – Jyotipur, Pendra Road, District **BILASPUR** C.G.

VERSUS

RESPONDENTS

1. State of C.G. through the Secretary Tribal Welfare Department, DKS Bhawan Raipur C.G.
2. Assistant Commissioner, Tribal Development Bilaspur C.G.
3. Block Education Officer, Block Gaurella, District Bilaspur C.G.

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CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.4679/ **सन् 2006**

(37)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

31-8-2006

Mr. Rakesh Pandey, counsel for the petitioner.

Miss Deepali Pandey, Panel Lawyer for the State/respondents, on advance copy.

Heard both the counsel.

The petitioner is the husband of Late Smt. Pushpavati Albert, who was working as Assistant Teacher in Primary School, Tikarkala and she demitted the Office of Assistant Teacher on 31-4-2005. As the petitioner's wife was sick, therefore, she was on medical leave and thereafter, she reported on duty on 22-4-2004, but she was not allowed to join duty and she was directed to produce the fitness certificate of the Medical Board on which she produced the fitness certificate of the Board on 24-7-2004 and ultimately she was allowed to join duty on 19-10-2004. Thereafter, she was allowed to join duty after six months and for that period no salary was paid to the petitioner's wife. The petitioner's wife made a representation dated 28-9-2005 (Annexure P-9) for payment of salary of the said period, but that representation was not decided and ultimately she died on 25th February, 2006. Therefore, it has been prayed that the respondents be directed to pay salary for the said period i.e. from 22-4-2004 to 19-10-2004.

Learned counsel for the petitioner submits that the respondent authorities have not passed any order on the representation of the wife of the petitioner namely, Annexure P-9 which was submitted by her on 28-9-2005. Learned counsel further submits that therefore, in the first instance, respondent No.2 be directed to decide the representation made by the

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.4679/ **सन् 2006**

(38)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner's wife to which learned counsel appearing for the State/respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.2 is directed to decide the representation Annexure P-9 filed by the wife of the petitioner regarding payment of salary for six months' period, in accordance with law, within a period of two months from the date of receipt of a copy of this order.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.